

**REMARKS**

The Applicant thanks the Examiner for the thorough consideration given the present application.

Claims 1-13 are pending in the present application. Claims 1 and 9 are the independent claims.

Claims 1-8, 10, and 11 have been allowed, and applicant desires that these claims issue as a patent.

The Office Action indicates that certain amendments to Claims 9, 12, and 13 may place them in condition for allowance. Accordingly, in the interest of advancing prosecution, Claim 9 is currently amended in accordance with Applicant's understanding of the Examiner's comments and in a sincere attempt to make the claims allowable. No new matter has been added by these amendments.

Specifically, Claim 9 has been amended to further clarify the following features:

a) The "averages of a speed reference" and of a "speed measurement" are now more clearly specified as follows:

"wherein the averages of a speed reference and a speed measurement is determined by detecting a plurality of speed measurements for upward constant-speed travel, detecting a plurality of speed measurements for downward constant-speed travel, and averaging the plurality of speed references and measurements for upward and for downward constant-speed travel;"

a) the "gain factor," which is now more clearly specified as follows:

"wherein the identifying unit identifies the gain factor from said calculated averages of said speed references and speed measurements for downward and for upward constant-speed travel"

b) the “zero factor,” which is now more clearly specified as follows:

“wherein the identifying unit also identifies a zero factor from said calculated averages of said speed references and speed measurements for downward and for upward constant-speed travel”

c) and the “forgetting factor,” which is now more clearly specified as follows:

“wherein the forgetting factor is a constant value that may be set to any value between 0 and 1.”

The Applicant notes that the clarifications to the “speed reference,” “speed measurement,” “gain factor,” and “zero factor,” were originally disclosed in the 2nd Substitute Specification at least in paragraphs [013]-[021]. Applicant also respectfully notes that the definition of the “forgetting factor,” as amended into Claim 9, was originally disclosed in the 2nd Substitute Specification at least in paragraphs [018]-[021]. No new matter has been added by the amendments to Claim 9.

The Applicant believes that the above referenced amendments are responsive to the Examiner’s suggestions in the last Office Action, and believes that Claims 9, 12, and 13, have now been placed in a condition for allowance. Further, Applicant respectfully submits that all claims are now in a condition for allowance and desires that they issue as a patent.

### Conclusion

In view of the above amendment, Applicant believes the pending application is in condition for allowance. Thus, the Examiner is respectfully request to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael K. Mutter Reg. No. 29,680 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By \_\_\_\_\_  
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